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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Joseph G. Buehl

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05/26/2009

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BANK OF AMERICA PLAZA

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT

PAPER NUMBER

2424

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed 4/27/09 have been fully considered but they are not persuasive.

Pages 8 and 9:

The applicant argues that Carles does not disclose or teach "a staging server comprising computer readable medium for storing an asset." The applicant goes on to state that Carles does disclose that the server (figure 3, part 10 including CMMS 11) stores the smart commercials (Remarks, page 8). The issue here is whether the claim language or "storing an asset" means that the asset is actively received and stored as argued on page 9, or it means that the asset could be previously stored on the server. It is the opinion of the examiner that the language used by the applicant does not suggest that the asset is received and stored by the server as suggested by the applicant and the limitation can be met using Carles (figure 3).

Pages 10 and 11:

The applicant argues that Flickinger does not teach "an application program identifier identifying an application program." The applicant goes on to state that it was his opinion that the addition of the word "program" would distinguish it from the cited prior art as was discussed in the interview on 2/12/08. What was discussed was the applicant adding a limitation to better clarify what the applicant's application identifier is. As recalled, the application identifier is used to decipher what type of data is being sent (i.e. EPG data, video data, etc) and how to handle it. As these details were not added

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into the claims, but instead a generic term that can be broadly interpreted (program in this case) was added to the claim. Therefore the tag or vector taught by Flickinger can be interpreted as an application program. To better clarify the invention and further prosecution, the examiner suggests that the applicant add in a limitation further describing the application program.

Page 12:

The applicant argues that none of the references teach "identifies the content server from among a plurality of content servers to receive the content from the staging server." Referring to the office action (page 7), Del Sesto teaches that the application header contains a server identification code (column 9, lines 34-35). As Carles is used to disclose the staging server and content server (Office Action page 5), the server identification code teaches identifying which of a plurality of servers that the asset was received from.

Page 13:

The applicant argues that the cited portion of Del Sesto (column 9, lines 25-50) refers to the BR (or broadcast receiver) and not the server. As the data is a type of metadata to be interpreted and decoded by a computer (in this case a broadcast receiver), it would have been obvious for one of skill in the art to use the data structure taught by Del Sesto in the data disclosed by Carles and Flickinger.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art
Unit 2424

JS